

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6273-CR-HUCK

NIGHT BOX
FILED

DEC 26 2001

MD

UNITED STATES OF AMERICA,

Plaintiff,

CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

vs.

ARIEL HERNANDEZ, et al.,

Defendant,

MOTION TO ADOPT PLEADINGS

THE DEFENDANT, **ARIEL HERNANDEZ**, by and through the undersigned counsel respectfully moves this Honorable Court for leave to adopt the following Motion, filed on behalf of co-defendant, Massaro:

1. The Defendant hereby adopts Defendant, Massaro's Renewed Motion For Judgment of Acquittal, Alternative Motion For New Trial [With Memorandum Of Law]. To the extent that it applies to Counts 17, 18 the issues are identical between Defendants Massaro and Hernandez. It is further submitted that the same arguments that apply to Counts 17 and 18 are equally applicable to Verdict Form part B (Murder) of Count 1 (Conspiracy to commit RICO violations) and Defendant, Hernandez specifically realleges these arguments in support of his renewed Motion for Judgment of Acquittal and alternative motion for new trial as to part B of Count 1.

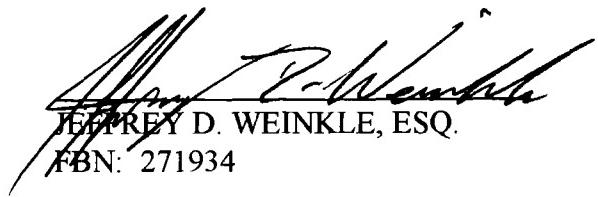
2. This motion is made in good faith and in order to avoid unnecessary delay.

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WHEREFORE, the defendant requests this Honorable Court to enter its Order granting this Motion to Adopt Co-Defendant's Renewed Motion For Judgment of Acquittal, Alternative Motion For New Trial [With Memorandum Of Law].

Respectfully submitted,



JEFFREY D. WEINKLE, ESQ.
FBN: 271934

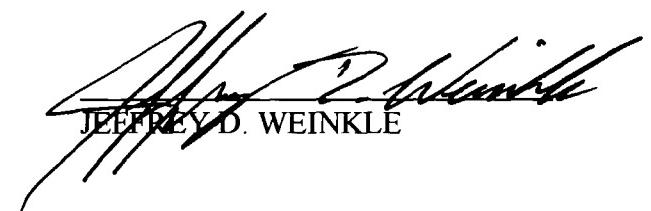
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this 21st day of December, 2001, to: UNITED STATES ATTORNEY'S OFFICE, AUSA Lawrence Lavecchio, 500 E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33394 (Fax: 954-356-7230); and to:

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